



— State of
North Dakota
Office of the Governor

Doug Burgum
Governor

EXECUTIVE ORDER 2017-02.1

WHEREAS, I, Doug Burgum, Governor of the State of North Dakota, by the authority vested in me, do hereby declare a state of emergency for Bottineau, Cavalier, McHenry, Pembina, Pierce, Renville, Rolette, Towner and Walsh Counties, inclusive of their incorporated cities, to provide protection against potential threats of major flooding in these areas. I reserve the right to expand this declaration to other counties or tribal nations as required; and

WHEREAS, flood outlooks issued by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) indicate the potential for significant river, tributary and overland spring flooding in the Red River Basin including its major drainage sub-basins and closed basins; and

WHEREAS, factors leading to this projection include an extensive snowpack modeled as high as 12 to 16 inches deep, containing four to six modeled inches of liquid water. This amount of liquid could increase with additional storms through April. When this snowpack melts, the already saturated and frozen soil won't be able to absorb it, creating runoff and potential flooding; and

WHEREAS, April climate outlooks for the northeast portion of state indicate above normal precipitation trends. This trend is likely to continue into May and June; and

WHEREAS, current modeling indicates snowpack temperatures are near the melt point in the area of concern, increasing the urgency for taking immediate actions to lessen or prevent the effects of spring flooding; and

WHEREAS, the most recent NWS flood forecast for Grafton along the Park River in Walsh County calls for a crest range of 14 to 16 feet around April 1, 2017. This is very close to the May 22, 2017 Flood of Record of 16.16 feet; and

WHEREAS, continued precipitation, in combination with melting snowpack, may adversely impact and/or damage transportation infrastructure, public and private property, and sewage and water systems; and

WHEREAS, addressing these concerns will require extensive flood fight efforts by the state and local communities to address threats to public health and safety, reduce economic hardships, and continue protection, response, recovery and mitigation efforts.

The current financial situation of the state due to the economic downturns in the agricultural and crude oil markets, coupled with unforeseeable expenses associated with the Dakota Access Pipeline protest response, makes federal support a necessity. Such support cannot be realized without a state declaration of emergency for the area of concern; and

WHEREAS, spring flooding may cause short or long-term catastrophic losses for livestock producers, inundation of farm lands, and agricultural losses constituting serious economic hardship across the state.

NOW THEREFORE, I order activation of the North Dakota State Emergency Operations Plan (SEOP) in order to assist local and tribal officials, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure. I order all state agencies, to include the N.D. National Guard, to maintain high readiness levels of flood response resources and capabilities in preparation for timely execution of their respective responsibilities pursuant to the SEOP.

I further order the same emergency requires relief under North Dakota Century Code 39-12-03 pertaining to weight restrictions. Load restrictions for non-divisible loads and spring road restrictions for divisible loads for the affected areas and necessary counties may be waived and later reinstated for vehicles necessary for levee construction and other flood fight efforts at the discretion of the North Dakota Department of Transportation Director.

This order is issued pursuant to the following authority and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution; and,
2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code; and,
3. The Governor is vested with statutory authority under North Dakota Century Code Chapter 39-12-23 to permit and prescribe definite excess limitations as to size and weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public; and
4. A coordinated and effective effort of all state departments is required to minimize the impact of disasters and emergencies in this state.

This order supersedes Executive Order 2017-02, issued March 24, 2017. This order is in effect immediately, and shall remain in effect until it is rescinded.

Executed at Bismarck, North Dakota, this 14th day of April, 2017.



Doug Burgum
Governor

Attest:



Alvin A. Jaeger
Secretary of State